

Re: New Jersey Orders re : Salt Piles

Douglas McKenna to: Marcedius Jameson

"Brian McLendon", Douglas Pabst, Justine Modigliani, "Michele Cc: Putnam", Michelle Josilo, "Rich Paull", "Wolfgang Skacel", Kimberly McEathron

From: Douglas McKenna/R2/USEPA/US

To: "Marcedius Jameson" < Marcedius.Jameson@dep.state.nj.us>

Cc: "Brian McLendon" <Brian.McLendon@dep.state.nj.us>, Douglas Pabst/R2/USEPA/US@EPA,

Justine Modigliani/R2/USEPA/US@EPA, "Michele Putnam"

<Michele.Putnam@dep.state.nj.us>, Michelle Josilo/R2/USEPA/US@EPA, "Rich Paull"

02/10/2012 04:12 PM

Hi Marcedius, to Wrap this issue up and to address the issues found during those inspections in the Ironbound area in Newark we will issue these three AOs next week. We agree that it is extremely difficult for Kinder Morgan and other salt processing facilities to comply with the "eliminate exposure of source material to stormwater" requirement in their general permit but Kinder Morgan failed to implement any stormwater runoff protection to prevent the discharge of pollutants into Newark Bay from one of their salt piles (the pile that we believe was the subject of the 2008 DEP NOV) located on the north side of Marsh Street . Furthermore, it is in fact possible to partially cover salt piles during the winter season and to install runoff or catch basin protection to prevent the discharge of pollutants and an example of a salt processing facility that implemented these types of pollution prevention measures at the time of the EPA inspection is the Atlantic Salt facility located directly next to the Kinder Morgan facility .

At the time of EPA's inspection, the Kinder Morgan pile was cited because it was completely uncovered and salt was observed spilling over into the street and physically on the catch basin (photograph attached). While Kinder Morgan has indeed made progress by constructing and using a bermed area for another salt storage pile, that construction has not prevented them from keeping the original large salt pile contained without any controls in place. This is not an acceptable practice to EPA and the purpose of the Order is to require practices to be implemented that prevent polluted runoff from entering these catch basins.

I had asked a few weeks ago when the final individual permit would be issued and how long they would have to comply but I haven't seen any more on this, so these orders say comply with the permit or stop the discharge if you tell us there is a compliance plan we would adjust the schedules in the AOs so that we are consistent. Like DEP we are not interested in issuing penalty unless they do not make an effort to comply.

We are supposed to have a SNAP meeting at some point next week so if you want maybe that would be a good opportunity to discuss.

Thanks Doug







Kinder Morgan Terminals Inc. AO and transmittal.docxAtlantic Salt AO and transmittal 2_1_12.docx



Sims Metal Management AO and transmittal 2_1_12.docx

"Marcedius Jameson" [attachment "KM IMG_1.JPG" deleted by Do... 01/12/2012 04:00:20 PM

From: "Marcedius Jameson" < Marcedius Jameson@dep.state.nj.us>

To: Douglas McKenna/R2/USEPA/US@EPA

Cc: "Brian McLendon" <Brian.McLendon@dep.state.nj.us>, "Michele Putnam"

<Michele.Putnam@dep.state.nj.us>, "Rich Paull" <Rich.Paull@dep.state.nj.us>, "Wolfgang Skacel" <Wolfgang.Skacel@dep.state.nj.us>, Michelle Josilo/R2/USEPA/US@EPA, Justine

Modigliani/R2/USEPA/US@EPA, Douglas Pabst/R2/USEPA/US@EPA

Date: 01/12/2012 04:00 PM

Subject: New Jersey Orders re: Salt Piles

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Doug,

I've reached out to the Permitting Program and also spoken to my folks about the salt piles at the Kinder Morgan Terminals. On the enforcement side of things we issued an NOV in March 2008 for failure to eliminate source material exposure. The piles have been documented as covered during the non-winter season, but during the time of year when salt is received, stockpiled, disbursed and delivered, the piles remain partially or entirely uncovered. These are not small municipal piles but the sources of all salt into the entire state. The reality is that they had no chance to comply with these permits during the winter season from the effective date of the permit given the current operation. Attached two pictures of the piles taken by our inspector Manny Nolau (I'm told he happened to be at the site the day your guys performed your inspection).

As a result of the NOV back in 2008, Kinder Morgan applied for an individual permit and a draft permit was issued on 10/19/2011 for public comment and is pending final issuance.

All agree that they are technically in violation of their Basic Industrial General permit (5G2), they have responded to the NOV by applying for a more appropriate permit, the Individual Permit (IP). That's why we have not issued a penalty. According to our Permitting and enforcement folks, the engineering work is well underway and as a part of that work/IP a new pad was constructed, a berm is in place that will capture up to the ten year storm, and other activities are being undertaken.

As far as the scrap metal facility is concerned, Enfrorcements not sure which yard your describing, but Permitting agrees that if the permit does not include salt pile storage in the regulated industrial activities then, it is not authorized and we would agree that the salt pile is a separate and additional pollutant source.

Please advise if you would like to discuss further.

MTJ

Marcedius T. Jameson, Acting Director Water & Land Use Enforcement

State of New Jersey
Department of Environmental Protection
Compliance and Enforcement
Mail Code 401-04F
401 E. State Street PO Box 420
Trenton, New Jersey 08625-0420
tel: 609-984-2011

fax: 609-984-2011

marcedius.jameson@dep.state.nj.us

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>>> Douglas McKenna <McKenna.Douglas@epamail.epa.gov> 1/11/2012 4:12 PM >>> Hi Marcedius,

A citizen's group has brought the Ironbound area in Newark to the attention of EPA and DOJ upper management as an environmentally over-burdened population. Therefore, we conducted several inspections in the area a few weeks ago. Large uncovered salt piles are one major concern that the citizen's group cited; our inspections identified stormwater permit violations, including some uncovered piles.

Attached is an order that we have drafted in response to an inspection of Kinder Morgan Terminals, a salt processing facility in the Ironbound Area of Newark, NJ. We plan to issue this order shortly, but wanted to share it with you first. It is our understanding that salt piles often contain anti-caking agents such as Sodium Ferrocyanide Decahydrate (cyanide). While they are clearly in violation of their current permit, one point of discussion for EPA and DEP is the fact that the facility claims to be working with NJDEP to seek individual permit coverage at this time to avoid covering their piles.

Another facility of concern is a permitted scrap metal facility with a large uncovered salt pile. Due to the nature of the scrap metal industry, the management of salt piles is not explicitly addressed in the permit. We have suggested that the facility cover their pile, but need input from NJDEP permitting as to whether the current permit applies to that pile or if the salt pile is a separate and additional pollutant source.

We hope to issue the Kinder Morgan order by the end of next week and the others shortly thereafter, so could you bounce this off the DEP permitting staff for their input, and let us know if you have any issues or concerns with our issuance of these actions.

Thank you and Happy New Year.

Doug